

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ART ASK AGENCY,

Plaintiff,

v.

THE INDIVIDUALS, CORPORATIONS,
LIMITED LIABILITY COMPANIES,
PARTNERSHIPS, AND
UNINCORPORATED ASSOCIATIONS
IDENTIFIED ON SCHEDULE A HERETO,

Defendants.

Case No.: 20-cv-1666

Judge: Steven C. Seeger

Magistrate Judge: Maria Valdez

**PLAINTIFF'S EMERGENCY *EX PARTE* MOTION FOR ENTRY OF A TEMPORARY
RESTRAINING ORDER, INCLUDING A TEMPORARY INJUNCTION, A
TEMPORARY TRANSFER OF THE DEFENDANT DOMAIN NAMES, A
TEMPORARY ASSET RESTRAINT, EXPEDITED DISCOVERY, AND SERVICE OF
PROCESS BY EMAIL AND/OR ELECTRONIC PUBLICATION**

Plaintiff ART ASK AGENCY (“Plaintiff”) seeks entry of an emergency *ex parte* temporary restraining order, including a temporary injunction against Defendants enjoining the manufacture, importation, distribution, offering for sale, and sale of Counterfeit ANNE STOKES Products, a temporary transfer of the Defendant Domain Names, a temporary asset restraint, expedited discovery, and service of process by email and/or electronic publication in an action arising out of 15 U.S.C. § 1114; Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a); and the Illinois Uniform Deceptive Trade Practices Act, 815 ILCS § 510 for the reasons set forth below. A Memorandum of Law in Support is filed concurrently with this Motion.

1. On March 9, 2020, Plaintiff filed its complaint for False Designation of Origin (Count 1), Copyright Infringement (Count II) and Violation of Illinois Uniform Deceptive Trade Practices Act (Count III). [Dkt. No. 1].
2. On March 10, 2020, Plaintiff filed a Motion for *Ex Parte* Entry of a Temporary Restraining Order alleging that Defendants are selling unauthorized products infringing on Plaintiff's trademark and derivative works of the copyrighted subject matter of Plaintiff's products and that such actions would bring Plaintiff immediate and irreversible harm. [Dkt. Nos. 11 and 12]. Plaintiff noticed the presentment of Plaintiff's *Ex Parte* Motion for Entry of a Temporary Restraining Order for March 17, 2020 at 9:00 a.m. [Dkt. No. 18].
3. On March 13, 2020, due to the present coronavirus pandemic, this Court re-set Plaintiff's *Ex Parte* Motion for Entry of a Temporary Restraining Order to April 13, 2020. [Dkt. No. 19].
4. On March 16, 2020, Plaintiff filed a motion to re-set its Motion for Entry of a Temporary Restraining Order.
5. On March 16, 2020, Plaintiff filed a Motion to Re-Set the Hearing Date of April 13, 2020 for Plaintiff's *Ex Parte* Motion for Temporary Restraining Order. [Dkt. No. 20].
6. On March 16, 2020, this matter was again continued pursuant the Court's Order by 21 days. [Dkt. No. 22].
7. Plaintiff brings the present emergency motion because time is of the essence and the failure to timely address Plaintiff's claims would expose Plaintiff to irreparable injury, further dilution of its brand and loss of sales. As such, Plaintiff respectfully requests this Court to hear its *Ex Parte* Motion for Entry for a Temporary Restraining Order, including a temporary injunction against Defendants enjoining the manufacture, importation, distribution, offering for sale, and sale of Counterfeit ANNE STOKES Products, a temporary transfer of the Defendant Domain

Names, a temporary asset restraint, expedited discovery, and service of process by email and/or electronic publication in an action arising out of 15 U.S.C. § 1114; Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a); and the Illinois Uniform Deceptive Trade Practices Act, 815 ILCS § 510.

8. In light of the coronavirus pandemic, Plaintiff is willing to make reasonable accommodations for this Court including, but not limited to, appearing telephonically.
9. A Memorandum of Law in Support is filed concurrently with this Motion.

Respectfully submitted,

Dated: March 18, 2020

By: s/Michael A. Hierl
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ART ASK AGENCY

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true and correct copy of the foregoing Motion was filed electronically with the Clerk of the Court and served on all counsel of record and interested parties via the CM/ECF system on March 18, 2020.

s/Michael A. Hierl